

DECLARATION AND POWER OF ATTORNEY
Original Application

As below named inventor, I declare that I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in this Declaration, that the information given herein is true, that I believe that I am the original, first and joint inventor of the invention entitled:

**AN OPTICAL DISK PICKUP USING CURRENT MODE SIGNAL EXCHANGES
AND SYSTEMS AND METHODS USING THE SAME**

which is described and claimed in:

☒ the attached specification or
☐ the specification in application Serial No. ___/___ filed ____, 2000_
that I acknowledge my duty to disclose information in accordance with 37 C.F.R. Section 1.56 and defined on the attached sheet, which is material to the examination of this application, that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application and that as to applications for patent or inventor's certificate filed by me or my legal representatives or assigns in any country foreign to the United States of America, the earliest filed foreign application(s) filed within twelve months prior to the filing date of this application and all foreign applications filed more than twelve months prior to the filing date of this application, if any, are identified below.

CHECK APPROPRIATE BOX:

☒ no earlier-filed foreign applications.
☐ Required information as to foreign applications filed prior to the filing date of this application is on page ___ attached hereto and made a part hereof.

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

<u>NAME</u>	<u>REGISTRATION NO.</u>
Peter Rutkowski	32,627
Dan A. Shifrin	34,473
James J. Murphy	34,503
Ehrlich, Henry L.	39,663
Garsson, Ross S.	38,150
Kordzik, Kelly K.	36,571
Mason, Dwayne	38,959
Newberger, Barry	41,527
Rogers, Charles J.	38,286
Shaddox, Robert C.	34,011

SEND CORRESPONDENCE TO:
WINSTEAD SECHREST & MINICK
 5401 Renaissance Tower
 1201 Elm
 Dallas, Texas 75270

DIRECT TELEPHONE CALLS TO:
 James J. Murphy, Esq.
 (214) 745-5374
 Fax: (214) 745-5390


Winstead Sechrest & Minick's customer number is 23-2426.

(201) FULL NAME OF INVENTOR	LAST NAME Pietruszynski	FIRST NAME David	MIDDLE NAME Michael	
RESIDENCE & CITIZENSHIP	CITY Austin	STATE OR FOREIGN COUNTRY Texas, USA	COUNTRY OF CITIZENSHIP United States of America	
POST OFFICE ADDRESS	POST OFFICE ADDRESS <i>9/10/11</i> 6211 John Gishum Lane <i>Chisum</i>	CITY Austin	STATE OR COUNTRY USA	ZIP CODE 78749
(202) FULL NAME OF INVENTOR	LAST NAME Baird	FIRST NAME Rex	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY Austin	STATE OR FOREIGN COUNTRY Texas	COUNTRY OF CITIZENSHIP United States of America	
POST OFFICE ADDRESS	POST OFFICE ADDRESS 4832 Calhoun Canyon LP	CITY Austin	STATE OR COUNTRY Texas, USA	ZIP CODE 78735

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like

WSM 2836- P081US

so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name (201) David Michael <i>dup 10/11/00</i> PIETRUSZINSKI PIETRUSZYSKI	Signature 	Date 10/11/00
Name (202) Rex BAIRD	Signature <i>Rex Baird</i>	Date 10/11/00

::ODMA\PCDOCS\DALLAS_1\3149901\1

233:2836-P081US

Section 1.56 Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by Sections 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applications to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record of being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the application takes in:

(i) opposing an argument of unpatentability relied on by the Office,

or

(ii) Asserting an argument of patentability.

A prima facie case of patentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any considerations given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

© Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application;
- and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.

::ODMA\PCDOCS\DALLAS_1\3149901\1
233:2836-P081US